

University of California, Hastings College of the Law UC Hastings Scholarship Repository

Initiatives

California Ballot Propositions and Initiatives

3-2-1993

Preamble.

Follow this and additional works at: http://repository.uchastings.edu/ca_ballot_inits

Recommended Citation

Preamble. California Initiative 589 (1993).

http://repository.uchastings.edu/ca_ballot_inits/752

This Initiative is brought to you for free and open access by the California Ballot Propositions and Initiatives at UC Hastings Scholarship Repository. It has been accepted for inclusion in Initiatives by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.



Office of the Secretary of State
March Fong Eu

1230 J. Street
Sacramento, California 95814

ELECTIONS DIVISION
(916) 445-0820

For Hearing and Speech Impaired
Only:
(800) 833-8683

#589

March 2, 1993

TO ALL REGISTRARS OF VOTERS, OR COUNTY CLERKS, AND PROPONENT (93012)

Pursuant to Section 3513 of the Elections Code, we transmit herewith a copy of the Title and Summary prepared by the Attorney General on a proposed Initiative Measure entitled:

**PREAMBLE.
INITIATIVE CONSTITUTIONAL AMENDMENT.**

Circulating and Filing Schedule

1. Minimum number of signatures required 615,958
Cal. Const., Art. II, Sec. 8(b).
2. Official Summary Date Tuesday, 03/02/93
Elec. C., Sec. 3513.
3. Petition Sections:
 - a. First day Proponent can circulate Sections for
signatures Tuesday, 03/02/93
Elec. C., Sec. 3513.
 - b. Last day Proponent can circulate and file with
the county. All sections are to be filed at
the same time within each county Friday, 07/29/93
Elec. C., Secs. 3513, 3520(a)
 - c. Last day for county to determine total number of
signatures affixed to petition and to transmit total
to the Secretary of State Tuesday, 08/10/93

(If the Proponent files the petition with the county on a date prior to 07/29/93, the county has eight working days from the filing of the petition to determine the total number of signatures affixed to the petition and to transmit the total to the Secretary of State.) Elec. C., Sec. 3520(b).

- d. Secretary of State determines whether the total number of signatures filed with all county clerks meets the minimum number of required signatures, and notifies the counties Thursday, 08/19/93*
- e. Last day for county to determine total number of qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Monday, 10/04/93
- (If the Secretary of State notifies the county to determine the number of qualified voters who signed the petition on a date other than 08/19/93, the last day is no later than the thirtieth day after the county's receipt of notification.)
Elec. C., Sec. 3520(d), (e).
- f. If the signature count is more than 677,554 or less than 585,161, then the Secretary of State certifies the petition has qualified or failed, and notifies the counties. If the signature count is between 585,161 and 677,554 inclusive, then the Secretary of State notifies the counties using the random sampling technique to determine the validity of all signatures Thursday, 10/14/93*
- g. Last day for county to determine actual number of all qualified voters who signed the petition, and to transmit certificate with a blank copy of the petition to the Secretary of State Tuesday, 11/30/93
- (If the Secretary of State notifies the county to determine the number of qualified voters who have signed the petition on a date other than 10/04/93, the last day is no later than the thirtieth working day after county's receipt of notification.)
Elec. C., Sec. 3521(b), (c).
- h. Secretary of State certifies whether the petition has been signed by the number of qualified voters required to declare the petition sufficient Saturday, 12/04/93*

* Date varies based on receipt of county certification.

4. The Proponent of the above-named measure is:

Cheryl Fort
1090 Beverly Drive
1035 East Vista Way, #162
Vista, CA 92084-4606

5. Important Points:

- (a) California law prohibits the use of signatures, names and addresses gathered on initiative petitions for any purpose other than to qualify the initiative measure for the ballot. This means that the petitions cannot be used to create or add to mailing lists or similar lists for any purpose, including fund raising or requests for support. Any such misuse constitutes a crime under California law. Elections Code section 29770; *Bilofsky v. Deukmejian* (1981) 123 Cal.App. 3d 825, 177 Cal.Rptr. 621; 63 Ops. Cal.Atty.Gen. 37 (1980).
- (b) Please refer to Elections Code sections 41, 41.5, 44, 3501, 3507, 3508, 3517, and 3519 for appropriate format and type consideration in printing, typing, and otherwise preparing your initiative petition for circulation and signatures. Please send a copy of the petition after you have it printed. This copy is not for our review or approval, but to supplement our file.
- (c) Your attention is directed to the campaign disclosure requirements of the Political Reform Act of 1974, Government Code section 81000 et seq.
- (d) When writing or calling state or county elections officials, provide the official title of the initiative which was prepared by the Attorney General. Use of this title will assist elections officials in referencing the proper file.
- (e) When a petition is presented to the county elections official for filing by someone other than the proponent, the required authorization shall include the name or names of the persons filing the petition.
- (f) When filing the petition with the county elections official, please provide a blank petition for elections official use.

Sincerely,



CATHY MITCHELL
INITIATIVE COORDINATOR

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE

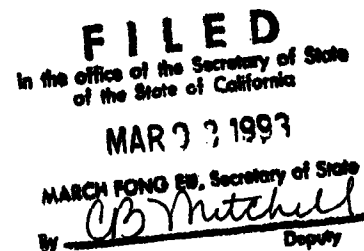


1515 K STREET, SUITE 511
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

March 2, 1993

Honorable March Fong Eu
Secretary of State
1230 J Street
Sacramento, CA 95814



Re: Initiative Title and Summary
Subject: PREAMBLE. INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: File No.: SA 93 RF 0001

Dear Mrs. Eu:

Pursuant to the provisions of sections 3503 and 3513 of the Elections Code, you are hereby notified that on this day we mailed to the proponent of the above-identified proposed initiative our title and summary.

Enclosed is a copy of our transmittal letter to the proponent, a copy of our title and summary, a declaration of mailing thereof, and a copy of the proposed measure.

According to information available in our records, the name and address of the proponent is as stated on the declaration of mailing.

Sincerely,

DANIEL E. LUNGREN
Attorney General

KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms
Enclosures

Date: March 2, 1993
File: SA93RF0001

The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

PREAMBLE. INITIATIVE CONSTITUTIONAL AMENDMENT. Amends the Preamble of the California Constitution of 1879 to substitute "the Peoples within the boundaries of the Union State" for the People as the authors of the Constitution. Declares that "the Peoples" represent many faiths and they endorse, instead of establish, the 1879 constitution. Declares the constitution of 1879 is a "legislative constitution" and that the Constitution of 1849 remains the Superior Law. Declares references to "State", "California" "State of California", its agent(s) and subdivision(s) in the 1879 constitution pertain only to and are limited to only those entities created in that document. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Because of the uncertain legal impact of the measure, it is not possible to estimate its fiscal impact on state and local governments.

RECEIVED

JAN 19 1993

Certified Mail # P 866 107 954

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICECheryl Fort
1090 Beverly Dr.
1035 E. Vista Way #162
Vista, California 92084-4606

January 12, 1993

Daniel E. Lungren, Attorney General
State of California
1515 K Street
Sacramento, California 94244RE: WRITTEN REQUEST FOR A TITLE AND SUMMARY OF THE PROPOSED
ENCLOSED INITIATIVE MEASURE: AMENDMENT TO THE 1879
CALIFORNIA CONSTITUTION'S PREAMBLE

Dear Mr. Attorney General:

I hereby exercise my right reserved by Article II,
Section 8(a) of the California constitution (1879)
concerning the initiative power of an elector.

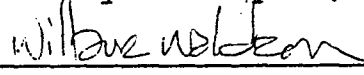
As per the California constitution (1879), Article II,
Section 10(d), the attached proposed law, which is an
amendment to the Preamble of said constitution, is hereby
submitted to you as the Attorney General of the State of
California.

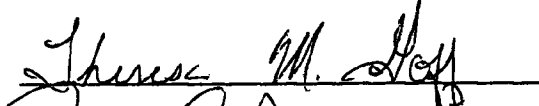
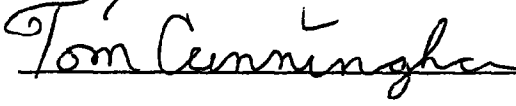

As per Sections 3502 and 3503 of the California
Elections Code, I hereby make a request in writing for a
title and summary of the attached proposed law, which is an
amendment to the Preamble of said constitution. I also have
enclosed a money order # 8005523483 in the amount of
\$200.00.

Respectfully Yours,


Cheryl Fort

We, the following witnesses, witnessed Cheryl Fort sign
this letter, place it, the attached proposed law, money
order, proof of voter registration and a disclaimer into an
envelope addressed to the Attorney General's address listed
above with first class postage prepaid (Certified Mail # P
866 107 954), and deposit it with the United States Post
Office in Vista, California on this day January 12, 1993.

SH 9350001
RECEIVED
JAN 19 1993

January 12, 1993

INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

**TEXT OF PROPOSED LAW
TO AMEND CALIFORNIA CONSTITUTION OF 1879
BY INITIATIVE MEASURE**

This initiative measure is submitted to the people in accordance with the provisions of Article II, Section 8 of the Constitution.

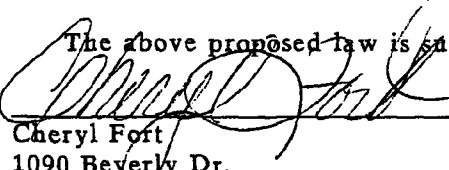
This initiative measure expressly amends the Constitution by amending and adding sections thereto, and amends, repeals, and adds to the PREAMBLE; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

PREAMBLE

We, the People Peoples within the boundaries of the Union State of California, a Republic, who represent many faiths, and who are grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do ~~establish~~ endorse this legislative ~~Constitution~~ constitution. The Constitution of 1849, responsible for the admission of the California Republic into the Union, which therefore guarantees to the California Republic a republican form of government via the United States Constitution, Article IV, Section 4, remains the Superior Law in the Union State of California. Any reference to "State", "California", "State of California", its agent(s) or any subdivision(s) thereof within this 1879 constitution pertains only to, and is limited to, the entity of which this document creates.

The above proposed law is submitted by proponent:


Cheryl Fort
1090 Beverly Dr.
1035 E. Vista Way #162
Vista, California 92084-4606

WRITTEN REQUEST FOR TITLE AND SUMMARY ATTACHED

DECLARATION OF MAILING

The undersigned Declarant states as follows:

I am over the age of 18 years and not a proponent of the within matter; my place of employment and business address is 1515 K Street, Suite 511, Sacramento, California 95814.

On the date shown below, I mailed a copy or copies of the attached letter to the proponents, by placing a true copy thereof in an envelope addressed to the proponents named below at the addresses indicated, and by sealing and depositing said envelope or envelopes in the United States mail at Sacramento, California, with postage prepaid. There is delivery service by United States mail at each of the places so addressed, or there is regular communication by mail between the place of mailing and each of the places so addressed.

Date of Mailing: March 2, 1993

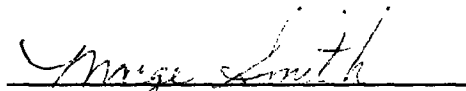
Subject: PREAMBLE. INITIATIVE CONSTITUTIONAL AMENDMENT.
File No.: SA 93 RF 0001

Name of Proponent and Address:

Cheryl Fort
1090 Beverly Drive
1035 E. Vista Way, #162
Vista, CA 92084-4606

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sacramento, California, on: March 2, 1993.


MARGE SMITH
Declarant

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1515 K STREET, SUITE 511
P.O. Box 944255
SACRAMENTO, CA 94244-2550
(916) 445-9555

(916) 324-5490

March 2, 1993

Cheryl Fort
1090 Beverly Drive
1035 E. Vista Way, #162
Vista, CA 92084-4606

Re: Initiative Title and Summary
Subject: PREAMBLE. INITIATIVE CONSTITUTIONAL AMENDMENT.
File No: SA 93 RF 0001

Dear Proponent:

Pursuant to your request, we have prepared the enclosed title and summary of the chief purposes and points of the referenced proposed initiative. Enclosed is a copy of our letter to the Secretary of State, as required by Elections Code sections 3503 and 3513, our Declaration of Mailing, the title and summary and the text of your proposal that was reviewed.

The Secretary of State will be sending a copy of the circulating and filing schedule for the proposed initiative shortly. After you have your petitions printed for this measure, please provide us a copy, not for our review or approval, but to supplement our file in this matter.

Sincerely,

DANIEL E. LUNGREN
Attorney General

A handwritten signature in cursive script, reading "Kathleen F. DaRosa".

KATHLEEN F. DaROSA
Initiative Coordinator

KFD:ms

Enclosures

Cathy Mitchell : elect.

NEWS RELEASE

from: Secretary of State March Fong Eu
1230 J Street, Sacramento, CA 95814
(916) 445-6375

FOR IMMEDIATE RELEASE
March 2, 1993

Contact: Melissa Warren or
Shirley Washington

FIRST INITIATIVE OF THE YEAR ENTERS CIRCULATION REPORTS EU

SACRAMENTO - Secretary of State March Fong Eu announced today (Mar. 2) that an initiative petition seeking to amend the Constitution of 1879 has entered the signature circulation process.

According to the Attorney General, "Preamble," as it's titled, would "amend the Preamble of the California Constitution of 1879 to substitute "the Peoples within the boundaries of the Union State" for the People as the authors of the Constitution. It declares that "the Peoples" represent many faiths and they endorse, instead of establish, the 1879 constitution; declares the constitution of 1879 is a "legislative constitution and that the Constitution of 1849 remains the Superior Law; and declares that references to "State", "California", "State of California", its agent(s) and subdivision(s) in the 1879 constitution pertain only to and are limited to only those entities created in that document."

Proponent Cheryl Fort of Vista must submit 615,958 signatures of registered voters to county elections by July 29, 1993, the legal 150-day deadline.

A telephone number for Ms. Fort was not available.

A copy of the initiative circulation calendar, title and summary, and text is attached.

###

93005SW

#589

INITIATIVE CHECK LIST

Phone Notification from AG - Date/Time: PREAMBLE 3/2/93 - 9:30

Title of Initiative: Preamble.

Type of Initiative: ✓ CA S CA and S

Number of Pages: 1 Number of Proponents: 1

Initial/Date/Time

1. da 3/2 9:30 Deirdre informs Caren, Cathy, Media and Gabrielle (copy room) the day and time initiative will be ready for delivery.
2. da 3/2 Deirdre gives check list to ^{DALE}~~Caroline~~ to prepare calendar.
3. da 3/2 ^{DALE}~~Caroline~~ prepares and proofs calendar and log and returns both to Deirdre.
4. / / Deirdre proofs calendar and log.
5. / / Deirdre gives final calendar and log to Cathy.
6. / / Cathy reviews and has Caren sign. Cathy returns signed calendar to Deirdre.
7. / / Deirdre makes copies of initiative calendar for each proponent.
8. / / Deirdre attaches copy of Political Reform Act of 1974 Requirements to proponent's copy of initiative calendar.
9. / / Deirdre prepares Mail/Freight Request Form. Deirdre hand carries Mail/Freight Request form and initiative calendar for each proponent (ready for mailing) to Service and Supply. Initiative calendar sent on (date) to each proponent.

(This must be sent to each proponent same day AG prepares Title & Summary).
10. / / Deirdre advises Cathy when initiative calendar is sent to proponent(s).

INITIATIVE CALENDAR CHECK LIST

PAGE

11. / /

Deirdre distributes copies of initiative calendar same day AG prepares Title & Summary to :

_____ Tony
_____ Mellisa
_____ Cindy
_____ Shirley
_____ Jerry
_____ Cathy

12. 11

Deirdre distributes copies of initiative calendar to:

_____ All CC/ROV
 _____ Elections Staff
 _____ Initiative Mailing List
 _____ Extra copies for public distribution
 _____ Master copy

13. / /

Deirdre advises Cathy of completion of above distribution.

14. / /

Deirdre makes copies of log and distributes as follows:

1. Initiative canvass binder
2. Vi Daniels (Initiative Mailing List)
3. Mac Taylor (Initiative Mailing List)
4. Melodi Andersen (Archives)
5. Oliver Cox
6. Initiative Clipboard
7. Cindy (Media)

15. 11

Dale prepares folder for public distribution.

16. / /

Jennifer prepares index cards for each initiative.

17. 11

Deirdre staples Mail/Freight Request form to back of INITIATIVE CHECK LIST.

18. / /

Deirdre returns completed INITIATIVE CHECK LIST to Caren.

19. 11

Caren returns check list to Cathy.